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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2010-627

12 **VICKI ELIZABETH CRESCENZO AKA**
13 **VITTORIA ELIZABETH CRESCENZO**
14 **1222 S. Campbell Avenue**
15 **Alhambra, CA 91803**

A C C U S A T I O N

16 **Registered Nurse License No. RN 564093**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about February 23, 2000, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 564093 to Vicki Elizabeth Crescenzo aka Vittoria Elizabeth
24 Crescenzo (Respondent). The Registered Nurse License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on September 30, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

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1 7. Section 2762 states:

2 “In addition to other acts constituting unprofessional conduct within the meaning of this
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
4 chapter to do any of the following:

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6 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her
10 ability to conduct with safety to the public the practice authorized by his or her license.

11 “(c) Be convicted of a criminal offense involving the prescription, consumption, or
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
13 or the possession of, or falsification of a record pertaining to, the substances described in
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
15 thereof.”

16 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
17 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
18 to render a decision imposing discipline on the license.

19 9. Section 2811, subdivision (b) provides, in pertinent part, that the Board may renew an
20 expired license at any time within eight years after the expiration.

21 **REGULATORY PROVISIONS**

22 10. California Code of Regulations, title 16, section 1444, states:

23 “A conviction or act shall be considered to be substantially related to the qualifications,
24 functions or duties of a registered nurse if to a substantial degree it evidences the present or
25 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
26 safety, or welfare.”

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1 **COST RECOVERY**

2 11. Section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 12. **CONTROLLED SUBSTANCE**

7 a. "Cocaine," is a Schedule II controlled substance as defined in Health and Safety Code
8 section 11055, subdivision (b)(6), and is categorized as a dangerous drug pursuant to section
9 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of a Substantially-Related Crime)**

12 13. Respondent is subject to disciplinary action under section 2761, subdivision (a) and
13 (f) and section 490, as defined in California Code of Regulations, title 16, section 1444, in that on
14 or about January 30, 2008, after pleading *nolo contendere*, Respondent was convicted of one
15 misdemeanor count of violating Health and Safety Code section 11550, subdivision (a) [use/under
16 the influence of a controlled substance], in the criminal proceeding entitled *The People of the*
17 *State of California v. Vicki Elizabeth Crescenzo* (Super. Ct. San Bernardino County, 2007, No.
18 FWV800044). Respondent was placed on probation for two years, and fined. The circumstances
19 surrounding the conviction are that on or about June 01, 2007, two on duty San Bernardino
20 Sheriff Officer's were dispatched to a welfare check at Respondent's residence. Respondent was
21 found to be very upset, crying, her speech was slurred and she stated, "this is why people kill
22 themselves." Respondent became very upset and officers were forced to place her into hand
23 cuffs. Additional deputies responded to assist and Medical Aid also responded to check
24 Respondent's vital signs. While speaking to Respondent inside her residence, in plain view, the
25 officers observed, a white powder like substance formed into a line with a rolled up one dollar bill
26 next to it on the kitchen counter. The substance was tested using a #4 Narcotest test kit which

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1 showed a positive result for Cocaine. Respondent was subsequently convicted of violating Health
2 and Safety Code section 11550, subdivision (a) [use/under the influence of a controlled
3 substance.]

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Drugs)**

6 14. Respondent is subject to disciplinary action under section 2762, subdivisions (b) and
7 (c), in that Respondent used a controlled substance to an extent or in a manner dangerous or
8 injurious to herself, and the public. Respondent had a white powder like substance on the kitchen
9 counter inside her residence in plain view. Complainant refers to, and by this reference
10 incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Conviction Involving a Controlled Substance)**

13 15. Respondent is subject to disciplinary action under section 2761, subdivision (a) and
14 (f), as defined in section 2762, subdivision (c), in that on or about January 30, 2008, Respondent
15 was convicted of a crime involving a controlled substance. Complainant refers to, and by this
16 reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board issue a decision:

20 1. Revoking or suspending Registered Nurse License No. 564093, issued to Vicki
21 Elizabeth Crescenzo aka Vittoria Elizabeth Crescenzo Vicki Elizabeth Crescenzo aka Vittoria
22 Elizabeth Crescenzo.

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1 2. Ordering Vicki Elizabeth Crescenzo aka Vittoria Elizabeth Crescenzo to pay the
2 Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business
3 and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.
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6 DATED: _____

6/8/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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